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REMARKS

Reconsideration of the application as amended is requested. Applicants note with appreciation the Examiner's indication that claims 7, 14, 21, 26, 28, 29, 31 and 37 contain allowable subject matter. Claims 7, 14, 21, 26, 28, 29 and 37 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, these claims are now believed to be in condition for allowance and a notice to this effect is earnestly solicited.

Claims 1-6 and 8-11 have been canceled, such that the rejections of these claims is now believed to be moot.

In the Office Action dated June 13, 2005, claims 1, 2-8, 10, 12, 25-29 and 40 were rejected under 35 U.S.C. §112, first paragraph. The Office Action states that the phrase "transdermally-effective" does not have support in either the specification or claims of the present application, or in U.S. Patent No. 6,576,712. Applicants respectfully disagree for the following reasons.

Identical wording is not required to satisfy the written description requirement of §112: "[I]psis verbis disclosure is not necessary to satisfy the written description requirement of section 112. Instead, the disclosure need only reasonably convey to persons skilled in the art that the inventor had possession of the subject matter in question." *In re Edwards*, 568 F.2d 1349, 1351-52, 196 USPQ 465, 467 (CCPA 1978) (emphasis added). Also, the MPEP at 2163(II)(A)(3)(a) states that "what is conventional or well known to one of ordinary skill in the art need not be disclosed in detail." *Citing Hybritech Inc. v. Monoclonal Antibodies, Inc.* 802 F.2d at 1384, 231 USPQ at 94. "If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met." *Id. citing Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient").

At paragraph [0002], the present application states that "the present invention relates to transdermal/dermal, or transmucosal/mucosal drug delivery systems. Transdermal refers to

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such delivery systems delivering an active that passes through the skin and into the circulating system." Examples of existing transdermal products are given in paragraph [0006] of the present application. Also, paragraph [0026] of the present application states that "the active ingredients used in the transdermal delivery system of the preferred embodiments are generally ingredients that are to be delivered to the patient to or through the skin or mucosa." Transdermal delivery is clearly distinct from topical administration, as evidenced by U.S. Patent No. 6,576,712 (which is incorporated into the present application), which states that "topical administration, in contrast to transdermal administration, provides a local rather than a systematic effect." (Column 7, lines 47-49).

Applicants submit that the disclosure of the present application does, in fact, reasonably convey to those skilled in the transdermal device art that the inventor had possession of the subject matter in question.

In the Office Action dated June 13, 2005, claims 12, 13, 15-17, 20, 23, 24 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ward GB Patent No. 2,157,955 in view of Feld et al. U.S. Patent No. 4,463,180. Claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ward '955 in view of Feld et al. '180, and further in view of Gilbert et al. U.S. Patent No. 5,052,381. Claims 25, 27, 30, 32, 33, 36, 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ward '955 in view of Cartmell et al. U.S. Patent No. 5,762,620 and DeBusk et al. U.S. Patent No. 5,628,724. Claims 34 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ward '955 in view of Cartmell et al. '620 and DeBusk et al. '724, and in further view of Gilbert et al. '381.

For those reasons set forth below, Applicants respectfully submit that all of the pending claims, as amended herein, patentably distinguish over the cited references.

Independent claim 12 has been amended to recite that the release liner at least partially extends beyond at least one edge of the ultra thin film such that the release liner contacts at least a portion of the first adhesive layer on the handle. Ward '955 does not teach or suggest adhesive on a handle that contacts a release liner. Rather, Ward teaches a removable protector 10 (Fig. 2) that specifically prevents adhesive coating 8 from contacting strips 11 (or protector

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- 5). Thus, Ward '955 teaches away from a liner that contacts an adhesive layer on a handle as recited in amended claim 12.

Claims 13, 15, 16-20 and 22-24 depend from claim 12, and are therefore believed to be allowable for those reasons set forth above in connection with claim 12.

Independent claim 25 has been amended in a manner that is substantially similar to claim 12, and recites that the liner at least partially extends beyond at least one edge of the ultra thin film such that it contacts at least a portion of the first adhesive layer on the handle. As discussed above in connection with independent claim 12, Ward '955 teaches a protector 10 (Fig. 2) that prevents contact between adhesive 8 and strip 11 (or protector 5).

Claims 27, 30-36, 38 and 39 depend from claim 25, and are therefore believed to be allowable for those reasons set forth above in connection with claim 25.

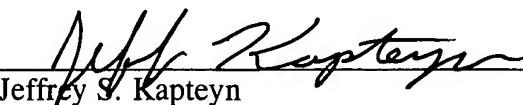
Independent claim 40 has been amended to recite that the liner at least partially extends beyond at least one edge of the ultra thin film such that it contacts the first adhesive layer on the handle. As discussed above, Ward '955 teaches a protector to prevent contact between an adhesive layer of a handle and a release liner. Accordingly, Ward '955 teaches away from the arrangement of amended claims 12, 25 and 40.

Applicants have made a concerted effort to place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities, the courtesy of a telephone call to the undersigned attorney would be appreciated.

Respectfully submitted,

Date

9/13/05



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